

Aymenn Jawad – Expert Report for Sentencing

My name is Aymenn Jawad Al-Tamimi. I have been asked by the defense counsel, Charles Swift, to provide expert testimony and opinions for a pre-sentencing evidentiary hearing on June 24, 2022, in preparation for sentencing on July 15, 2022. He has asked me to opine on any possible relationships between Merciful Hands an organization in Syria purporting to be a charity and Hay'at Tahrir al-Sham ("HTS"). He has also asked me to opine on the likelihood of donations being provided "@AlSadaqahSyria" through Western Union transfer to individuals in Turkey in June 2018. Finally, he has asked me to opine on the significance of Ms. Giampietro's statements regarding the Syrian conflict in September of 2018, and her views of HTS.

I hereby declare that the following testimony is true to the best of my knowledge:

I hold a first-class bachelor of arts from the University of Oxford in Classics and Oriental Studies and I am currently doing a Ph.D. at Swansea University focused on the role of historical narratives in Islamic State propaganda. I have research competency in a number of languages including Arabic, English, French, Spanish, Latin, and Ancient Greek. In March 2022, my Arabic translation, commentary and study of the Historia Arabum (the first Western book on Arab history, a work originally written in medieval Latin) was published by Dar Khutut in Jordan.

For a number of years, I was a research fellow at the Middle East Forum (a think-tank based in Philadelphia) and the Rubin Center (a think-tank based in Herzliya, Israel). I have also been a research fellow at George Washington University's Program on Extremism, where I have assisted the program in the translation, redaction, archiving, and analysis of thousands of Islamic State documents that were recovered from northern Iraq by the New York Times. I have written and published hundreds of articles and blog posts, including interviews, translation of primary source material, and analytical pieces, all of which can be found on my personal website (<http://www.aymennjawad.org>).

I have been working on research and study of the Syrian conflict since 2012-2013, having followed events in Syria in a more general sense since the outbreak of the unrest and civil war in 2011. This research has included multiple trips to Syria during the war: once in 2014,

during which I visited the north Aleppo countryside on the border with Turkey, and twice in 2018, during which I visited Qamishli, Raqqa, Hasakah and Deir az-Zor up to the border with Iraq. I also visited the northeast of the country in December 2021. For my research and insights on the Syrian conflict, I have been cited and interviewed in numerous media outlets and publications, including al-Jazeera English, the Financial Times, Agence France-Presse, Voice of America, the New York Times, and the Wall Street Journal.

I have also written on aspects of the Syrian conflict for publications such as West Point's Combating Terrorism Center Sentinel, the Washington Institute for Near East Policy and the Atlantic. Furthermore, I have been consulted for my work on Syria by government agencies, including the Japanese and Czech foreign ministries. In 2014 and 2015, I provided testimony for UK government committees on the Islamic State and the conflict in Syria. More recently, I have served as an expert witness in the case of US vs. Musaibli in Detroit, providing testimony on the Islamic State's bureaucratic records and authenticity of some documentary evidence being used in the US vs. Musaibli.

As per the request of the defence counsel, I have reviewed the following materials for this case:

- Transcripts of conversations between Georgianna Giampietro and an undercover FBI agent, with accompanying 302s and FBI documents.
- Telegram messages between Giampietro, an undercover FBI agent and two other women in a group chat called 'Akhira over Dunya' and another called 'Grupo de Amigas 2.'
- Records of Western Union transfers made by Giampietro.

In this report, I will:

1. offer my expert opinion regarding the lack of a factual basis for the application of the terrorism enhancement (U.S.S.G. § 3A4.1);
2. outline why there is insufficient evidence to conclude that Merciful Hands provided funds to Hayat Tahrir Al-Sham (HTS) or to conclude that Merciful Hands charitable activities were subject to the direction and control of HTS;

3. offer my opinion that the Telegram account “@AlSadaqahSyria”, also known as Individual A, was raising funds via Bitcoin in June 2018;
4. offer my opinion about the significance of Ms. Giampietro’s statements at or before September of 2018.

Charities of relevance

Over the course of the war in Syria, many charitable organizations have emerged in the insurgent-held territories. Some of these are run by local Syrians while others are run by foreigners or have some sort of foreign involvement in them. How charity is used may also vary some of the money donated may go to genuine charitable initiatives to help the poor in these areas, but other donations may be used as part of fundraising for insurgent military activities

In this section, I review the charitable organizations of relevance to this case, including a discussion of areas of operation and any knowledge of links to the insurgent organizations.

The Merciful Hands

This is a charity operating in northwest Syria (i.e. Idlib and its environs) but it is relatively obscure, even among the ‘muhajireen’ residing in the area. The charity, though, gained some notoriety in the UK media in relation to the conviction of an individual called Amaani Noor on the charge of funding terrorism as she sent a donation via Paypal to the Merciful Hands¹ The Merciful Hands has maintained a presence on social media (primarily Telegram and Facebook) and still operates a Telegram channel to this day. Of relevance to note is that the charity solicits donations in order to help the ‘mujahideen, muhajireen, orphans, and widows.’² By ‘mujahideen’ is meant ‘those who wage jihad’ (i.e. Islamic holy war/struggle), but the post here provides no more specific information on who they are. Thus, while it can be deduced from this post that the Merciful Hands solicits donations to fund insurgent activity in northwest Syria, it is not possible to deduce from this post the exact affiliation of those militants to whom the donations would go

¹ Woman accused of funding terrorism married foreign fighter and ‘supported Islamic State,’ jury hears,’ Liverpool Echo, December 2, 2019 (<https://www.liverpoolecho.co.uk/news/liverpool-news/woman-accusedfunding-terrorism-married-17351801>)

² Post by Merciful Hands-on Telegram, March 5, 2021.

Currently, the Merciful Hands is under the administration of an individual going by the Telegram name of @mansouralmani,³ whose name suggests that the person running the account is of German origin. Previously though, the Merciful Hands was run by an individual who goes by the Telegram name of @Kdot5g and was running the Merciful Hands at the time of the facts relevant to this case. I have communicated with the individual who runs this Telegram account. He does not recall a donation by an American national to the Merciful Hands. He describes himself as being from Birmingham in the UK originally, and that he was previously in Ahrar al-Sham, serving under the command of Abu al-Yaqdhan al- Masri. Now, however, he says that he is not affiliated with anyone. The individual is certainly supportive of a broader cause of jihad (armed struggle) in Syria but is not a supporter of Hay'at Tahrir al-Sham. In fact, he appears to be rather disillusioned with the current state of affairs in northwest Syria, as Hay'at Tahrir al-Sham has consolidated its authority and effectively acts as an enforcer of the ceasefire agreement worked out between Turkey and Russia for the northwest region in March 2020. As he put it:

'It wrecks my brain to think about it. I can't understand it. Where are we going, what are we doing, what is the end goal now. Hts [Hay'at Tahrir al-Sham] doesn't admit to any wrong doing.'⁴

Speaking of the community of 'muhajireen' he is familiar with more generally, he had noted: 'Everyone is living in a confused state. Not knowing what will happen tomorrow. Majority of these brothers don't want to enter to hts and have been independent for a long time. Now HTS is closing all doors for any work.'⁵

Third-Party Links

There is some evidence of third party ties between Merciful Hands and Hay'at Tahrir al-Sham. In early 2018 there is evidence that Merciful Hands was working with a charity called the Abu Ahmed Foundation, which itself became known for its publicly pro-Hay'at Tahrir al-Sham stances and for its publicly advertised provision of support to an outfit called Malhama Tactical, which serves as a training and advisory unit that has worked closely with Hay'at Tahrir al-

³ Ibid. and e.g. post by Merciful Hands on Telegram, August 16, 2021.

⁴ Conversation, July 2021.

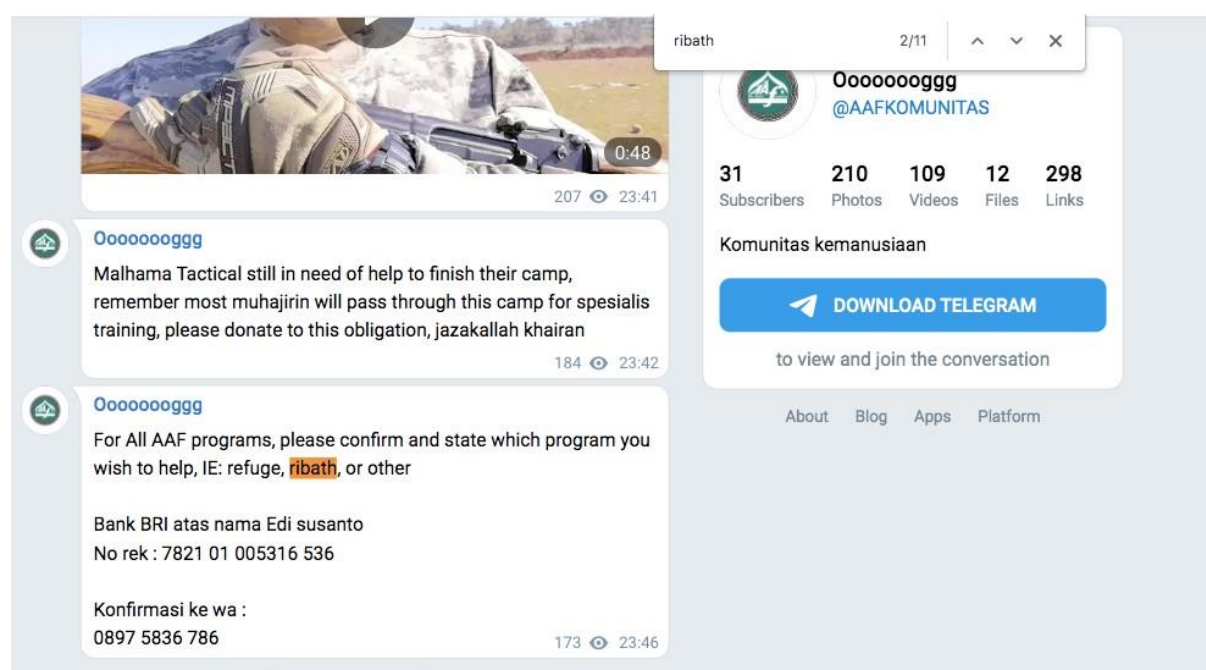
⁵ Ibid.

Sham in particular. I present the evidence for these observations below.

In a post on 12 March, 2018 on its Facebook account, the Merciful Hands stated its independence ‘from all fighting groups’ and affirmed that it was working to help civilians and medical staff, but the post also mentioned that it was ‘working in conjunction with the Abu Ahmad foundation and Sadaqah Al Khair.’



Available evidence regarding ‘Sadaqah Al Khair’ is limited, whereas the Abu Ahmed Foundation is better documented.⁶ The Abu Ahmed Foundation was⁷ a charity of Indonesian origin that had operatives inside Syria and became known for providing support for Malhama Tactical- a connection that was acknowledged by both the charity and Malhama Tactical. I have been able to review posts from a Telegram channel of the Abu Ahmed Foundation that was created in December 2018 and was active until 2020. These posts provide evidence for professed support for Hay’at Tahrir al-Sham and fund-raising efforts for militants in general and for Malhama Tactical in particular. For example in a post from its Telegram channel in March 2019, the Abu Ahmed Foundation stated:



“Malhama Tactical still in need of help to finish their camp, remember most muhajirin will pass through this camp for spesialis [sic] training, please donate to this obligation, jazakallah khairan.”⁸

A subsequent post outlines the types of programs the foundation supports in general:

“For all AAF programs, please confirm and state which program you wish to help: IE: refuge, ribath, or other “Ribath” in this context means manning of the front lines by the fighters.

As for Malhama Tactical, its own links with Hay’at Tahrir al-Sham are well established (even

⁶ There is a slight difference in transliteration here: ‘Ahmad’ in the Merciful Hands post as opposed to ‘Ahmed’ in this report and elsewhere. It is clear though that the Merciful Hands post means the same charity I am discussing here.

⁷ Subsequently dissolved as it was subject to a crackdown by the Indonesian authorities.

⁸ Jazakallah khairan: ‘May God reward you abundantly’ - i.e. thank you.

though it is not a formal affiliate of Hay'at Tahrir al-Sham). These links can be seen from the following interview I conducted in February 2020 with the group's then leader Ali Shishani who stated:

“As for the factions with which we work. Most of all we worked with HTS. However, our doors are open to all factions of the Mujahideen who defend the Syrian people and fight in the interests of these people. At the moment, we have agreed to work with the Popular Resistance Units of Idlib (Saraya al-Mukavamati al-Sha'biyya).”⁹

A source who connected me with Ali Shishani to conduct the above interview and was part of the Abu Ahmed Foundation network has confirmed to me that the Abu Ahmed Foundation also supported Hay'at Tahrir al-Sham.¹⁰ That said, he denied that the Abu Ahmed Foundation worked with the Merciful Hands to support Malhama Tactical and Hay'at Tahrir al-Sham. For further possible insight I contacted the person who ran the Merciful Hands at the time (he is cited in the previous report) and asked him about the relationship with the Abu Ahmed Foundation in this period, which he clarified as follows:

‘Problem is I can’t lie on my channel I had written on my logo Merciful Hands and Abu Ahmad Foundation. Honestly we didn’t have a relationship the person lived in another country and just gave money to support my organization on helping needy Syrians. They sent money one or two times after that we lost contact. The money was then distributed to Syrian families, and we purchased food and distributed them to families in need. I never knew the person I didn’t know who they dealt with or had connections with. Our relationship was strictly to help families affected by the war in Syria. Because I accepted money from them on the basis of not knowing anything about them does this implicate my organization in any way?’¹¹

He claims that in general the Merciful Hands took a no questions-asked approach to accepting donations, adding: ‘They [Abu Ahmed Foundation] sent money just to support a small organization that was new at the time just getting started. Many people donated and I don't know who they are. It was a grassroots project. We didn't ask who anyone was or anything about them to give them a sense of security when

⁹ <https://www.aymennjawad.org/2020/02/malhama-tactical-interview>; the ‘Popular Resistance Units’ mentioned by Shishani is a Hay'at Tahrir al-Sham-backed front designed to appeal to the broader population in Idlib and its environs. An example analogy of this relationship is Iraq's Kata'ib Hezbollah and the ‘Popular Defence Squadrons’ (Saraya al-Difa' al-Sha'abi) it set up and backed in 2014

¹⁰ Conversation, November 21, 2021.

¹¹ Conversation, November 21, 2021.

donating. Also it was not necessary to ask questions. We took funds from different people and tried our best to give back to the Syrian Muslims affected by the war in Syria. We started this organization because of the suffering that we witnessed. Now the situation is worst than before and we have no platform to help anyone. Inflation is killing people.’¹²

Assessment

Many of the foreigners who are now disillusioned with Hay’at Tahrir al-Sham and the direction it has taken did not necessarily feel the same way about the group in early to mid 2018. For example, while the disputes between Hay’at Tahrir al-Sham and al-Qa’ida were public, they were less intense and polarising at that time than they are now. My own impression is that back then many foreigners inside northwest Syria and many foreigners supportive of a broader cause of jihad in the country were willing at least to give a pass to Hay’at Tahrir al-Sham, regardless of the specifics of the dispute with al-Qa’ida and other factions, because they saw the group as still committed to fighting Syrian government and its allies, continuing the broader cause of jihad in Syria, establishing an Islamic government, and protecting the foreigners in northwest Syria in general. These foreigners both inside and outside northwest Syria also likely wanted to avoid stirring up and exacerbating internal strife. Later on, however, divisions in orientation among the foreigners became more pronounced. For their part, those linked to the Abu Ahmed Foundation and Malhama Tactical remained supportive of Hay’at Tahrir al-Sham, whereas foreigners like the American media activist Bilal Abdul Kareem (who was imprisoned by Hay’at Tahrir al-Sham in 2020)¹³ subsequently adopted more critical views of Hay’at Tahrir al-Sham.

Thus, if we were to suppose that the Merciful Hands and Abu Ahmed Foundation were working together in early or mid-2018 to support fighters in Hay’at Tahrir al-Sham and Malhama Tactical, we have in the preceding paragraph an explanation for this hypothesis that would make sense from an analytical perspective. That said, the owner of the Merciful Hands in that period claims that he has been against Hay’at Tahrir al-Sham since its formation (i.e. since January 2017):

“I have been against hts since their initial initiation. I don't want to hate Muslims but the hate that I have towards them has grown exponentially. A brother said something very interesting:

¹² Ibid.

¹³ <https://www.aymennjawad.org/2021/06/interview-with-bilal-abdul-kareem-on-his-arrest>

if someone refuses to give you your rights when they are weak, do you think they will give you their rights when they are strong?”¹⁴

It is possible of course that he is not being sincere about his position on the group. It is also possible that he might have been willing to overlook his position on Hay’at Tahrir al-Sham as a group but still support individual fighters in the group on the grounds of personal connections, common nationality or ethnicity, etc. The problem however is that these lines of thinking are speculative by nature.

In summation, it is important to highlight what the evidence gathered here can and cannot tell us. Specifically, the evidence gathered here shows that:

The Merciful Hands worked at least at one point in early 2018 with the Abu Ahmed Foundation. The Abu Ahmed Foundation became known for supporting Hay’at Tahrir al-Sham and Malhama Tactical and engaged in fundraising for fighters in both groups.

Nevertheless, as an expert on the Syrian conflict, I am unwilling to conclude from the available evidence that:

- That the Merciful Hands and the Abu Ahmed Foundation worked together in early/mid-2018 to support fighters in Hay’at Tahrir al-Sham and Malhama Tactical.
- That the Merciful Hands knew of the Abu Ahmed Foundation’s connections to Hay’at Tahrir al-Sham and Malhama Tactical. That the Merciful Hands was at the time an affiliate or front for Hay’at Tahrir al-Sham or Malhama Tactical.
- That the Merciful Hands advertised support for Hay’at Tahrir al-Sham, or that the Merciful Hands informed, made clear or gave the impression in the early/mid 2018 period to those donating that the money donated would go or likely be used to support fighters in Hay’at Tahrir al-Sham or Malhama Tactical.

I would particularly stress the last point here and redraw attention to the initial March 2018 Facebook posting highlighted in which Merciful Hands said it was working in conjunction with the Abu Ahmed Foundation. In the same post the Merciful Hands affirmed its supposed independence from all fighting groups and that its work was to help civilians and medical staff. It would make sense for the Merciful Hands to make such claims if it were a secret front for Hay’at Tahrir al-Sham or another militant group (or secretly linked to them) aiming to

¹⁴ Conversation, November 21, 2021.

deceive donors about how money is used. We might also suppose that perhaps a donor knew of the Merciful Hands' supposed links with militant organizations and was sending money to it as a cover for humanitarian aid while knowing the real purpose of the donation. These lines of reasoning are speculative, however. Evidence of alleged intent of the donation and knowledge/certainty about how the donation would be used has to come from the defendant herself. In short, there is no evidence available to suggest that Merciful Hands is tied to Hay'at Tahrir al-Sham, a point corroborated by 'Taqi al-Din Omar,' who is head of the contact in Hay'at Tahrir al-Sham's media relations office.¹⁵ The evidence instead suggests that the Merciful Hands has been operating among foreigners present in northwest Syria who are independent of Hay'at Tahrir al-Sham.¹⁶

Al Sadaqah Syria

The term "sadaqah" is used to refer to charity in Arabic: it may be distinguished from the concept of "zakat" in the sense that it is considered a voluntary donation, whereas Zakat refers to obligatory almsgiving that is traditionally deemed to be one of the five pillars of Islam. Al Sadaqah Syria was a charity operating in northwest Syria and appears to have become defunct by the end of 2018. The group advertised its operations on Telegram and operated a contact via WhatsApp, email and Telegram, with people afforded the opportunity to make donations via Bitcoin. Unlike the Merciful Hands though, this charity appears only to have concerned itself with fundraising for militant/insurgent activities, with one post featuring a banner that mentions 'supporting the mujahidin in Syria with weapons, financial aid and other projects assisting the jihad.'¹⁷ However, no specific affiliations of these 'mujahideen' are mentioned, and so it is not possible to deduce from the open source evidence which insurgent groups, if any, benefited from donations made to al-Sadaqah Syria.

The only information it was possible to obtain regarding any links al-Sadaqah Syria might have with insurgent organizations was via contact with the former owner of the Merciful Hands. According to him: 'No they don't support hts either. They're actually independent and hate hts.' However, it should be noted that he based this statement on the assumption of knowing who was behind al-Sadaqah Syria, but he had not actually seen the Telegram channel in question until I sent him the link, and he could not be certain of knowing

¹⁵Statement to the author, July 2021.

¹⁶ This could mean two things: either completely independent in an individual capacity, or tied to a group not linked to HTS.

¹⁷ Post on a Telegram channel for al-Sadaqah Syria, October 29, 2018.

who was behind the channel. Therefore, his testimony on this matter is speculative to some degree and cannot be taken as conclusive. However, it should be noted ‘Taqi al-Din Omar’ denied a link between al-Sadaqah Syria and Hay’at Tahrir al-Sham. In short, there is no meant that the individual would have had to have been informed by someone urging the donation that this was the case.

Concerning the Western Union transfers the defendant made, it is my opinion that it is possible that the transfer on June 14, 2018 was made to an individual participating in the activities of al-Sadaqah Syria and that the money was thus intended for al-Sadaqah Syria. That said, it should be noted that the platform was soliciting donations via Bitcoin, whereas the Merciful Hands (to which the defendant says she sent the money) has offered opportunities for donation via Western Union and Bitcoin.

Clarification of terms

I have been asked to clarify the meaning of some Arabic terms relevant to this case. They are as follows:

Hijra: this term translates as ‘migration’ and in the Islamic religious context is most commonly understood as referring to the migration that the Prophet Muhammad made from Mecca to Medina in 622 CE. In the context of the current conflict in Syria the term has been used to refer to those who left their homes in various countries around the world to come to the insurgent-held territories in Syria, whether to fight or perform other duties like aid work.

Jihad: coming from the Arabic Root j-h-d, the term literally means “struggle” but in Islam it is most commonly associated with fighting the disbelievers in a way mandated by God, whether in a defensive or offensive sense. In the context of the Syrian conflict, it is most commonly used to refer to taking up arms and fighting the enemy. It is mostly associated with the rebel side and the terminology of jihad and mujaideen has been used by groups of all stripes whether of the nationalist or jihadist orientation. In addition, the terminology of jihad has also been used by those fighting on the government side (especially foreign Shi’a fighters who came to Syria).

Fitna: this is an Arabic term that can translate as ‘strife,’ ‘affliction’ and also ‘temptation.’ The term occurs multiple times in the Qur’an and hadith literature and always has a negative connotation. In the context of Syria though it is most commonly used to refer to internal

strife between Syria's insurgent factions, such as the infighting between Hay'at Tahrir al-Sham and the other rebel groups in the period 2017-2019.

Opinions

Based on a review of the defendant's communications regarding Hay'at Tahrir al-Sham, Harakat Nour al-Din al-Zinki and Ahrar al-Sham, it is my opinion that her expressed statements regarding Hay'at Tahrir al-Sham are not consistent with those who support the group. Supporters of Hay'at Tahrir al-Sham justified the group's actions against other insurgent elements on various grounds, including the supposed goal of realizing unity and combating division, and fighting against supposed criminal elements/elements conspiring with the Syrian government/Russia/the West (particularly with regards to fighting Harakat Nour al-Din al-Zinki)¹⁸ In contrast, the defendant speaks negatively about this infighting between Hay'at Tahrir al-Sham and Harakat Nour al-Din al-Zinki in referring to it as fitna and citing a saying attributed to the Prophet Muhammad that 'in a time of fitna, stay in your homes.' In the same conversation she cited another purported saying that when two brothers (i.e. fellow Muslims) fight each other with a sword, both of them will end up in hell. Elsewhere she has criticized Hay'at Tahrir al-Sham, saying: 'Even HTS right now they're not doin', they're not doin' good either they're just, yeah Abdullah is very disappointed in them.' She had also cited Abu Abdullah's opinion that it was not safe to go to Syria, and she mentioned that it was 'not obligatory' to go during times of fitna.

By extension, it is also my opinion that the sentiments that the defendant expressed about the 'fitna' (i.e. in-fighting) are not consistent with those who support participation by Westerners

¹⁸ E.g. In an interview with me in January 2019, Hay'at Tahrir al-Sham supporter 'Abu al-Layth al-Halabi' expressed the following sentiment on the infighting with Harakat Nour al-Din al-Zinki: 'Of course it is not hidden to anyone: the project of surrender that the Zinki movement began working on through meetings with the Russians in regards to handing over the villages and localities that lie under the control of this faction to the Russians. Previously I have published leaks of the agreement that occurred between the Zinki faction and the Russians that stipulates handing over of the villages and localities of the Muslims to the Nusayri army and the Russians. In addition, the Zinki movement brought in Jaysh al-Thuwar [a Syrian Democratic Forces-affiliated group of former rebels who were based in Afrin] to the villages and localities of the Muslims, and killed the best of the mujahideen of HTS. So now this faction has become a toxic dagger in the side of the Syrian revolution. Of course in any infighting that occurs, HTS informs all the factions that the problem is not with you oh factions but rather with this faction that wants to end the jihad and destroy the revolution in the land of al-Sham but the factions do not heed this and can only intervene to defend a faction in which the cases of immorality and acts of disobedience against God have become numerous, such as fornication and wine-drinking, in addition to blaspheming against God (Almighty and Exalted is He) openly and in broad daylight. And what has happened has happened from the interventions of the factions to defend this faction that wants to hand over the lands of the Muslims!!'

in the conflict. Those who do support such participation have tended to encourage Westerners to join the Islamic State on the grounds that it is the Caliphate and Westerners need to contribute to it whether in a military or other service capacity.

It is also my opinion that the defendant's resolve to go to Syria is far from clear-cut. On more than one occasion, she referenced the need to pay off her debts prior to going to Syria, even as a supposed scholar in Syria queried by Abu Abdullah said it was not necessary to pay off the debt, relating a story of a debt to a Jew that had to be paid back. She was reluctant to reveal her religion to colleagues at work and did not want to risk losing her job, because then she would not have the means to pay off her debt. It should be noted, however, that the former owner of the Merciful Hands also said that debts should be paid prior to 'hijra',¹⁹ so her opinion is not necessarily inconsistent with those who have actually gone to Syria.

Signed this 13th day of May, 2022

A handwritten signature in blue ink, appearing to be 'AJ' followed by a stylized flourish.

Aymenn Jawad, Syrian Conflict Expert

¹⁹ Conversation, August 2021.